

**COPELAND BOROUGH COUNCIL
DELEGATED PLANNING DECISION**

1.	Reference No:	4/21/2047/OF1
2.	Proposed Development:	CHANGE OF USE FROM SHED/SUMMER HOUSE TO A DOG GROOMING SALON
3.	Location:	7 TOWN HEAD, HAVERIGG
4.	Parish:	Millom
5.	Constraints:	ASC;Adverts - ASC;Adverts, Flood Area - Flood Zone 2, Coal - Off Coalfield - Data Subject To Change
6.	Publicity Representations &Policy	Neighbour Notification Letter: YES Site Notice: YES Press Notice: NO Consultation Responses: See report Relevant Planning Policies: See report
7.	Report: SITE AND LOCATION This application relates to 7 Town Head, a semi-detached property located on an existing housing estate within the village of Haverigg. The site falls within the settlement boundary and benefits from an existing outbuilding in the rear garden. PROPOSAL Planning permission is sought for the change of use of the existing shed/summerhouse to a dog grooming salon. The existing structure is located within the rear garden and it will incorporate the following dog grooming equipment: <ul style="list-style-type: none"> - High velocity dryer; 	

- Fluff dryer;
- Electric grooming table.

The proposal also includes a replacement floor, a re-felted roof and a new door to ensure the structure is watertight.

The application was accompanied by the following:

- Location Plan;
- Site Plan;
- Supporting Statement;
- Flood Risk Assessment;
- Noise Management Plan.

RELEVANT PLANNING APPLICATION HISTORY

Planning Permission has previously been granted for a single storey gable extension and rear extension (ref: 4/16/2118/0F1) and prior notification for a rear conservatory was previously determined as permitted development (ref: 4/17/2371/HPAE).

CONSULTATION RESPONSES

Consultees

Millom Town Council

No objections.

Cumbria County Council Highway Authority

No objections.

Lead Local Flood Authority

No objections.

The Council's Flooding Engineer

No objections.

Environmental Health Officer

No strong objections to this application. The main concern is the potential for noise from barking, especially during nice weather and Saturday afternoons. The shed is away from the neighbouring houses but it is adjacent to four other gardens so it could lead to noise complaints if barking or dryer noise disturbs people using their gardens.

The Noise Management Plan will prevent any noise issues and the reduced opening hours on Saturdays seem reasonable and meet the concerns.

No noise complaints have been received about noise from drums or exercising equipment, which have been used in the past.

Public Representation

The application has been advertised by way of site notice and neighbour notification letters issued to 4 no. properties.

No objections have been received as a result of this consultation.

One letter of support from a neighbour was received which raised no concerns regarding noise or traffic as the applicant has addressed these potential issues.

PLANNING POLICIES

Planning law requires applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

Development Plan

Copeland Local Plan 2013 – 2028 (Adopted December 2013)

Core Strategy

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy ER6 – Location of Employment

Policy ENV1 – Flood Risk and Risk Management

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM18 – Domestic Extensions and Alterations

Policy DM22 – Accessible Developments

Policy DM24 – Development Proposals and Flood Risk

Other Material Planning Considerations

National Planning Policy Framework (NPPF)

National Planning Policy Guidance (NPPG)

Cumbria Development Design Guide

Emerging Copeland Local Plan (ELP):

The emerging Copeland Local Plan 2017-2035 has recently been the subject of a Preferred Options Consultation. The Preferred Options Consultation builds upon the completed Issues and Options Consultation, which finished in January 2020. Given the stage of preparation, the emerging Copeland Local Plan 2017-2035 has only limited weight in decision making, but provides an indication of the direction of travel of the emerging planning policies, which themselves have been developed in accordance with the provisions of the National Planning Policy Framework.

ASSESSMENT

The key issues raised by this proposal are the principle of development, its scale and design, the potential impacts on residential amenity, highway conditions, parking and flood risk.

Principle of Development

The proposed dog grooming salon change of use relates to an existing outbuilding in a residential garden within the village of Haverigg. Policy ER6 supports proposals for home working and conversion of space to employment use subject to detailed criteria, which are considered below.

The supporting statement includes justification and need for the business, as people have to travel long distances or book a mobile dog groomer from elsewhere in the district. Haverigg is a local centre and the proposal is therefore considered to provide a suitably located, sustainable business to meet the needs of the local community.

On this basis, the principle of the development is therefore considered to be acceptable and the use satisfies Policies ST2, ER6, DM18 and the NPPF guidance.

Scale and Design

Policy ST1 and section 12 of the NPPF seek to promote high quality designs. Policy DM10 and DM18 seek to ensure domestic alterations are of an appropriate scale and design which is appropriate to their surroundings and do not adversely affect the amenities of adjacent dwellings.

The proposal includes modest changes to the existing structure as there was water damage from a leak. The proposal includes replacement flooring, a re-felted roof and a new door to ensure the structure is water-tight. These changes are considered to be appropriate to provide a suitable structure for the business.

The scale of business has been considered as the operating days are planned to increase as the business develops. The initial plan is to operate the salon two full days, Friday 08:30 to 18:00 and Saturday 08:30 to 16:30 with 3 dogs per day and additional client slots Monday to Thursday between 15:00 and 18:00 if needed. Once the business develops, it is proposed that the hours of work of the salon will be from Monday to Friday from 08.30 to 18:00 and Saturday from 08.30 – 16:30 but only operating on 5 days. The Environmental Health Officer has confirmed that the hours are reasonable and the use of a planning condition will protect neighbouring amenity.

On this basis, the proposal is considered to be an acceptable scale to meet Policies DM10 and DM18.

Residential Amenity

Policy ST1, Policy DM18 and section 12 of the NPPF seek to safeguard good levels of residential amenity of the parent property or adjacent dwellings.

The main consideration with respect to the change of use proposal is the potential increase in noise and disturbance due to dogs barking and the dog grooming equipment, which includes a high velocity dryer, a fluff dryer and an electric grooming table. The application proposes a no barking policy and although it is not something the Planning Department can control, the applicant has considered the impact of their business on the amenity of the surrounding neighbours as part of the Noise Management Plan and it will be implemented in the running of the business.

Environmental Health were consulted on the application to assess the potential amenity issues for the surrounding properties. The structure is a relatively sturdy summerhouse structure, which will reduce noise breakout. Although the main concern is potential for noise from barking, especially in nice weather and on Saturday afternoons. The shed is located away from the neighbouring houses but it is adjacent to four other gardens so it could lead to noise complaints from residents using their gardens. On this basis, to mitigate concerns regarding neighbouring amenity, a Noise Management Plan has been submitted and the reduced opening hours on Saturday afternoons can be secured through the use of a planning condition. The Environmental Health Officer therefore raised no objections to the proposal as the measures in the Noise Management Plan are considered to mitigate potential impacts of the development.

The supporting statement accompanying the application outlines that the outbuilding was previously used as a workshop, a gym and a drum studio and no noise complaints were received by the neighbours. Environmental Health also confirmed no previous noise complaints about noise from drums or exercising equipment had been received in the past. On this basis, given the previous use, the business operations themselves and their minor scale (one dog at a time and restricted size of premises), it is not considered that the development would result in any materially harmful impacts in terms of noise and disturbance.

In addition, as the application relates to an existing single storey outbuilding, the proposal will not result in any materially harmful impacts in terms of overshadowing or privacy for the neighbouring properties and it would not be overbearing. The existing 1.8-metre high boundary fence will also reduce any disturbances associated with the business. No neighbours have raised concerns regarding the proposal as a result of the consultation process.

Subject to the imposition of planning conditions, the level of potential disturbance is not considered to result in a material level of harm.

On balance, the development will not have an unacceptable adverse impact on residential amenity, through noise, disturbance or a loss of privacy and the proposal is considered to comply with Policy DM18 and the NPPF guidance.

Highway Conditions and Parking

Policy DM22 requires developments to be accessible to all users and encourages innovative

	<p>approaches to manage vehicular access and parking to avoid vehicles dominating the street scene.</p> <p>The Highway Authority raised no objection to the proposed development as it is considered that the proposal will not have a material effect on existing highway conditions. The site can provide adequate off-street parking and there is an existing off-road parking area opposite the application site. On this basis, the additional parking needs linked to the business can be accommodated comfortably within the vicinity of the site, without detriment to local residents. The proposal is therefore considered to satisfy Policy DM22 and the guidance set out in the Cumbria Development Design Guide.</p> <p><u>Flood Risk</u></p> <p>The NPPF and Policy DM24 requires proposed developments in Flood Zones 2 and 3 to be accompanied by a Flood Risk Assessment (FRA). Policy DM24 seeks to protect developments against risks of flooding.</p> <p>Part of the application site falls within flood zone 2 and therefore a flood risk assessment was submitted as part of the application. The risk assessment confirmed the change of use application relates to an existing outbuilding, which is located on a raised concrete base. The site has no flooding history and therefore the Flooding Engineer confirmed he had no comments to make regarding the proposal. In addition, the LLFA raised no objection to the proposed development as it is considered that the proposal will not increase the flood risk on the site or elsewhere.</p> <p>On this basis, the proposal is considered to be acceptable development within flood zone 2 and it is considered that the proposal will comply Policies ENV1, DM24 and the NPPG guidance.</p> <p><u>Planning Balance and Conclusion</u></p> <p>The application seeks to change the use of a domestic summerhouse/shed to a dog grooming salon. The main issue raised by the application is the potential impact on residential amenity as it will be located within the rear garden of 7 Town Head adjacent to other residential properties. Although the proposed business will be of an appropriate scale the proposed planning conditions can adequately control the use and mitigate any potential impacts of the development. Appropriate measures have been included to prevent residential amenity issues and any issues relating to highway safety, parking and flood risk will be minimal.</p> <p>On balance, whilst some potential harm in terms of noise is identified, it is not considered to significantly and demonstrably outweigh the identified benefits of the development. The proposal therefore represents an acceptable form of development and it accords with the policies set out within the adopted Local Plan and the guidance in the NPPF.</p>
8.	<p>Recommendation:</p> <p>Approve (commence within 3 years)</p>
9.	<p>Condition(s):</p> <ol style="list-style-type: none"> 1. The use hereby permitted shall be for a limited period of three years from the date of this decision. At the end of this period the use shall cease, all materials and equipment brought onto the land in connection with the use shall be removed from the site on or before this date and the land restored to its former condition.

Reason

The use hereby approved is not considered suitable as a permanent form of development in order to safeguard the amenities of the locality.

2. This permission relates to the following plans and documents as received on the respective dates and development must be carried out in accordance with them: -

Location Plan, scale 1:1250, received 3rd February 2021;
Site Plan, scale 1:200, received 3rd February 2021;
Supporting Statement, received 5th March 2021;
Flood Risk Assessment, received 3rd February 2021;
Noise Management Plan, received 30th March 2021.

Reason

To conform with the requirement of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

3. The hours of opening shall be restricted to Mondays to Fridays 08:30 to 18:00 and Saturdays 08:30 to 16:30 and not at all on Sundays or Bank Holidays.

Reason

In the interest of neighbouring amenity.

4. The use hereby permitted shall be carried out in accordance with the details set out in the Noise Management Plan, received by the Local Planning Authority on 30th March 2021. The noise management measures must be carried out and maintained thereafter.

Reason

In the interest of protecting neighbouring amenity.

5. No more than one dog shall be present on the site for the purpose of the permitted use at any one time.

Reason

In the interest of protecting neighbouring amenity.

Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.

Case Officer: Chloe Unsworth

Date : 01/04/2021

Authorising Officer: N.J. Hayhurst

Date : 01/04/2021

Dedicated responses to:- N/A